HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 632 of 2003 (MS)

Mahendra Kumar Nagalia s/o Sri Musoddi Lal Nagalia
56, Raja Road, Dehradun ..... Petitioner

versus

1. Additional District Judge, Dehradun
2. Collector, Dehradun ..... Respondents

Sri Rajendra Dobhal, Advocate for the petitioner
Standing Counsel for the respondents.

Dated: 26.7.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 7.3.2003 and 8.5.2003 passed by the respondent no. 1.

Briefly stated on 18.8.1999, the claimant petitioner along with other persons moved an application before the respondent no. 1 seeking direction to the Collector, Dehradun to deposit the amount of interest under the provisions of Section 324 of the Land Acquisition Act. The respondent no. 1 passed an order on 7.3.2003 and rejected the said application. The petitioner filed recall application which was also dismissed vide order dated 8.5.2003.

A perusal of the order shows that the order has been passed without affording opportunity to the parties and as such order dated 7.3.2003 deserves to be quashed.

The order dated 7.3.2003 passed by the respondent no. 1 is set aside. The matter is sent back to the respondent no. 1, who shall pass a fresh order after giving opportunity of hearing to the parties. Any subsequent order passed after 7.3.2003 shall be subject to the fresh order passed by the trial Court.

Accordingly, writ petition is allowed. No order as to costs.

Dated: 26.7.2006 **Rajesh Tandon, J.**

*Dhyani